

FILED  
U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA

## Foreign Plea in Abatement

### Abatement Plea / Subornation of False Muster

13 MAR 22 PM 2:37

1. To the jurisdiction of the UNITED STATES DISTRICT Court; in Cause No. 8:12CR344  
Case Name or Incident No. United States of America v. Donna Marie Kozak and Randall David Dueker
2. To the disability of the person of the Plaintiff; as Common Law commercial Defendant/Obligated Party;  
City/County/State/Country/Other: United States of America  
by and through their Agents, or others, who are also Common Law commercial Defendants / Obligated  
Parties in their personal capacities, whether as Law Enforcement, Prosecutor, or other Suborner / Offender:  
Kathryn Keneally, Mitchell J. Ballweg, Brian D. Bailey, Matthew R. Hoffman, Deborah R. Gilg,  
Michael P. Norris, Ashley Thompson
3. To the disability of the person of the Defendant; I, the claimant, Donna Marie Kozak, am not a Defendant  
but an Injured Party in this Common Law commercial Action for reasons stated herein;
4. And to the form of the writ: Indictment, Arrest Warrant, Warrant for Arrest of Defendant, Superseding Indictment  
after considering the advice and instruction given me by: above named Obligated Parties and others,  
I hereby enter a plea of Subornation of False Muster, which must be cured as explained on page 2.

#### Common Law Commercial Claim for Damages

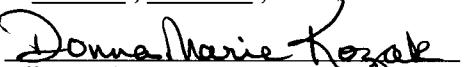
Certain action and neglect by the above named obligated parties has caused damage for which I am seeking restitution by reimbursement of expenses and restoration of property in the same or better condition than it was when taken. A complete description and itemization is contained in the attached affidavit, "Memorandum of Fact, Agreement, and Law." If such action or neglect continues, or no good faith response is made within zero days, I will file a complaint for *Conspiracy to Deprive Rights Under Color of Law*.

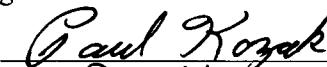
NOTICE: THIS IS AN OFFICIAL COUNTER-FORFEITURE CLAIM FOR DAMAGES AGAINST THE ABOVE NAMED DEFENDANTS / OBLIGATED PARTIES, AS WELL AS A NOTICE OF INTENT TO LIEN, AND IS INTENDED TO MEET ALL NOTICE REQUIREMENTS FOR ADDITIONAL LAWFUL ACTION AGAINST THEM SHOULD FURTHER PURSUIT BECOME NECESSARY.

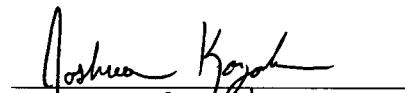
#### Less Stringent Standards for Non-attorney and Severability

According to *Haines v. Kerner*, 404 U.S. 519-421, Non-attorney litigants are to be held to less stringent standards than bar licensed attorneys; *Platsky v. C.I.A.*, 953 F.2d. 26 (2nd Cir. 1991), Court errs if it dismisses pleadings of a non-attorney litigant without instruction of how they are deficient and how to repair them; and *Anastasoff v. United States*, 233 F.3rd. 898 (8th Cir. 2000) All litigants have a constitutionally-secured right to have their claims adjudicated according to the rule of precedent. Although this case is not any of the above-cited cases, nor am I a litigant/defendant, the less stringent standard still applies. If anything in this *Abatement / Claim for Damages* is held to be unlawful or otherwise invalid, the rest of it shall remain in full force and effect.

This affiant acknowledges that the foregoing and page two following are true, correct and certain, materially complete, relevant and not misleading on the 21st day of March, in the year of our Lord, 2013, at La Vista, Nebraska, before the undersigned witnesses.

  
Affiant/Claimant: Donna Marie Kozak

  
Witness Paul Kozak

  
Witness Joshua Kozak

send mail c/o: Remedies at Law  
16910 - 59th Avenue NE, Suite 210  
Arlington, Washington 98223

(Please print name below each signature.)

## Foreign Plea in Abatement (Page 2)

### **Acknowledgment of Rights and Responsibilities**

I expect a judicial officer involved in this matter to inform me of my rights, and protect those rights, at every stage of any and all proceedings. I understand that my rights, whatever they are, arise out of the duties and responsibilities I have with respect to my position and function in life. Under my pledge of allegiance to the jurisdictional authority of the Church, I have been commissioned by our King Jesus Christ (Yahshua) to go into the highways and byways with the Gospel, and at all times do unto others as I would have others do unto me.

### **Demand for Due Process**

I demand all of my rights at all times, do not waive any of my rights at any time, including my time. I intend to speak, answer, and at all times make all decisions pertaining to myself and handle my affairs directly and not through agency, unless and until specifically and expressly so stated otherwise. Consistent with my attached *Declaration of Status*, which expresses my only consent to citizenship, I could not have made nor can I now make any appearance in the above named foreign court, special or otherwise, prior to or during the pendency of this abatement, whether personally or through agency; nor enter a plea at bar. Any appearance to the contrary could only be imposed upon me against my will or without my informed consent and therefore not valid.

### **Sui Juris Request for Assistance of Counsel**

I cannot afford counsel and will need public funds for obtaining the services of competent, active, zealous, and effective "assistance of Counsel." Although I am capable of handling my own affairs (*sui juris*), and will not be represented by an attorney, I am not legally competent to represent myself in foreign courts and would be foolish to attempt it. Consequently, I am not "Pro Se," never intend to be, and any appearance to the contrary could only be imposed upon me against my will or without my informed consent and therefore not valid.

### **Notice of Want of Jurisdiction**

No jurisdiction of law has been declared, and my jurisdictional challenge is hereby being made known to the judge who, along with other participants, may become personally liable for *Deprivation of Rights Under Color of Law*. Any authority exercised under this "want of jurisdiction" is usurped authority and no excuse is permissible, according to *Bradley v. Fisher*; 13 Wall 335, 352. It was more recently stated in *Rhodes v. Houston*; 202 Fed. Supp. 624 at 630, that there is no judicial immunity for an act done in the absence of jurisdiction if a want of jurisdiction was first made known to the judge. The summary of *Johnson v. MacCoy*, 278 F 2d 37, (9th Cir., 1960) states at 37, that where a judge allows a matter to proceed without requiring jurisdiction to be established after having received a jurisdictional challenge, judicial immunity is pierced.

### **How Defects May Be Cured**

I will need to be informed of the nature and cause of an accusation before being expected to participate. I will also need positive identification of the Plaintiff, of my accusers, of all known witnesses for or against me, and all of their representatives, along with a complete copy of all communication made, including but not limited to any notes, memoranda, or correspondence to or from all participants in this matter.

Therefore, please provide me with any and all information that exists, whether for or against me, along with a list verifying precisely what information has been, what is being, what is expected to be, and what will not be provided to me; so that I will be able to give a reasonable answer for my actions and be able to hold others accountable for theirs. This includes, but is not necessarily limited to the following particulars:

1. What jurisdiction of law is being used? If Common Law, identify the injured party; if Equity, the nexus (i.e. contract); if Admiralty, the port of entry, commission or enlistment.
2. Exactly who is the Plaintiff/Prosecutor that is charging me with a violation? If an artificial person, please provide proof of solvency, liability bonding and insurance information.
3. What have I been accused of? Identify the specific subsection, part and clause of whatever it is I am being accused of violating and explain how it applies to me.
4. Upon whose information is this action being brought? Name and identify my accusers (ex rel), with their commercial identification (i.e. full name, address, date of birth, employee and SSN).

Without all of the above and other information and conditions that are required by law having been met, I have no reasonable way of knowing what all of my options are, whether I should enter a plea other than this one, what witnesses I may need, if any, or what else I should provide or do in response. For this cause, I refuse all proceedings and presentments, demand a discontinuance of any further action against me, and expect prompt payment on my Common Law commercial Claim for Damages which is a counter-forfeiture action.

**AFFIDAVIT**

The undersigned Affiant states as follows:

1. On Thursday, October 18, 2012, at about 4:15 P.M. at the Federal Courthouse at 111 S. 18th Plaza in Omaha, Nebraska, 68102, I was making copies of a court case Docket files in the Clerk's office when two U.S. Marshals burst through the door and one called out in a loud voice, "Donna Kozak, you're under arrest. There's a warrant out for your arrest." Stunned, I asked by whom and what for. A third Marshal who had already been in the Clerk's office lobby for the previous 10 minutes said something about an Indictment, IRS, and that I would be told later.

2. One of the first two Marshals told me to stand up, put my hands behind my back, and handcuffed me, while the other began to ask a myriad of questions regarding whether someone was with me, how I got there, where the car was (at a parking meter with only 10 more minutes time), where the keys were, and a phone number of who they could call to come and get the car because I had no one with me. The third Marshal grabbed all the 80-100 pages I had copied and been sorting, stuffed them into my carry bag, along with my coat and other items.

3. All three U. S. Marshals took me down the elevator to the basement facility area. One Marshal removed the handcuffs. Another had a plastic bag and told me to remove all items from my pockets, all jewelry, money, IDs, and that he'd put the bag in the car. They said they'd count the money and it would be transferred with me.

4. One of the Marshals put a waist chain on me, handcuffed my arms to the chain, attached shackles to my legs, and took me to a transporting van in the adjacent garage. Over the next several hours, guards drove me to the Cass County Jail, and a half dozen various guards fingerprinted, photographed, strip searched, and processed me into the county jail system, and incarcerated me.

What happened next will be provided in the upcoming "Memorandum of Fact, Agreement, and Law."

It is my understanding that I have a right to enter a plea of guilty from the beginning. However, there has not been enough information provided to enable me to enter any informed "Plea at Bar." Therefore, I am entering a "Foreign Plea in Abatement."

To the best of my knowledge, I have been compelled into the service of an unknown jurisdiction against my will and without any authority of law. It is my understanding that the legal term for a plea that may be entered under such circumstances is called "Subornation of False Muster," which is the only plea I am entering at this time.

There is much more information that I will be providing by the end of April in a full "Memorandum of Fact, Agreement, and Law." Because it is not possible for me to prepare the required Memorandum in the short time that is available to me, my demand for a discontinuance may be deferred until the Memorandum has been completed and provided.

However, all of the demands I have made within the Abatement form that I am presenting with this affidavit, are expected to be performed within a commonly-held, timely manner and time frame.

*- Verification below is only necessary on the last page -*

This Affiant acknowledges that the foregoing is true, correct and certain, materially complete, relevant and not misleading on this 21st day of March in the year of our Lord 2013 at La Vista, Nebraska before the undersigned witnesses.

Donna Marie Kozak  
Affiant: Donna Marie Kozak

Mail %  
Remedies at Law  
16910 - 59th Avenue NE, Suite 210  
Arlington, Washington 98223  
Office Phone: 425-673-7762

Paul Kozak  
Witness: Paul Kozak

PRINT NAME BELOW EACH SIGNATURE

Joshua Kozak  
Witness: Joshua Kozak

## **DECLARATION OF STATUS**

### **1) Who am I, with respect to my position and function in life? I am:**

Galatians 2:20      I have been crucified with Christ. It is no longer I who lives, but . . . .  
1 Cor 3:16      Do you not know that you are God's temple and that God's Spirit . . . .  
Luke 10:27      You shall love the Lord . . . . and your neighbor as yourself.  
Rom 12:2      Do not be conformed to this world, but be transformed by the renewal . . . .

### **2) With whom or what are my loyalties aligned? I pledge allegiance to:**

Jesus as my Lord and Savior who died for me so that I may have eternal life with God in Heaven. And Heaven isn't just after our earthly death, but it's a relationship with the living God. As a man or woman created in His image, it's a way of living and having a relationship with others, being part of a family, being a friend, neighbor, teacher, minister, witness, steward, in whatever position we find ourselves while living on earth. God wants our fellowship with Him to be a light to the world, so that it will draw others into this same allegiance relationship.

### **3) Under that pledge, what is the purpose of my mission? My duties and responsibilities are:**

A. John 13:34-35 A new commandment I give to you, that you love one another; even . . . .  
B. to acknowledge God as a higher power over our lives and to acknowledge Him in everything we do. Pray constantly, in everything, without ceasing, says the Scripture. All our rights come from Him and we have a responsibility to keep that in check and teach the next generation and all others with whom we connect and might influence.  
C. Matthew 28: 19-20 Go therefore and make disciples of all nations . . . teaching . . . of the age. In regard to a civil government on this land, I believe that to know about the original American Constitutional Republican Form of Government it is a witness to His Glory and Sovereignty.

### **4) Therefore, what jurisdictional authority am I under? My commission comes from: God, and I am under the jurisdictional authority of God and His Biblical principles. If there is ever a conflict between God's law and man's law, God's takes precedent. "For him who knows what is right to do and fails to do it, for him it is sin (James 4:17)."**

### **5) How are decisions made that direct the course of my life? I trust in: God that all decisions I, or my husband – Paul and I, make, have a Romans 4:28 outcome.**

I, the undersigned, to the best of my knowledge and belief, declare the foregoing to be true, correct and certain, materially complete, relevant to my current status and not misleading.

March 21, 2013  
Date

Donna Marie Kozak  
Signature Donna Marie Kozak  
(Print Name Below Signature)

Mail: 8725 Park View Boulevard  
La Vista, Nebraska 68128

Mr. David R. Stickman  
Federal Public Defender  
222 South 15<sup>th</sup> Street, Ste 300N  
Omaha, NE 68102

March 21, 2013

RE: Case # 8:12CR344

Greetings:

Thank you for your willingness to provide me with the "assistance of Counsel" that I require. I intend to speak in court when I decide it necessary to give an answer, and at all times make decisions pertaining to myself handling my affairs directly and not through agency until and unless specifically and expressly so stated otherwise. I have NOT so stated otherwise, except for the specific limited needs expressed in this letter.

My defense, if any, will vary depending upon the jurisdiction of law that the prosecution invokes accordingly, due to the form of the following possible jurisdictions claimed: If Admiralty and maritime, Equity, or at Common Law. Is it civil, criminal, or civil with criminal penalties, including the specific statute, subsection, part and clause being applied to me?

1. I direct you to ensure the prosecution verbalize on the record to the court and the court verbalize to me which jurisdiction above is claimed and have the prosecution provide the authority at law to support it.
2. I will need a Bill of Particulars from the Plaintiff/Prosecutor. I herein direct you to obtain this from the prosecution. The Bill shall contain answers to all information requested in my "Foreign Plea in Abatement/Counter Forfeiture" on file in this cause.
3. I will need a complete copy of all information, communication, and full Discovery with verification from the prosecution of what that Discovery contains. I herein direct you to obtain all the items listed as well as any you know will benefit me.
  - a. A certified copy of the tape of the voice transmissions between the arresting officer and his dispatch officer/dispatcher, also between the arresting officer and his supervisor concerning the incident leading to and at the time of arrest, i.e. inquiry at stop and executed citation.
  - b. The arresting officer's incident report, notes, and memos.
  - c. A copy of all reports and evidence acquired, including written affidavits by all the officers at the scene, including all the involved agencies whether generated and/or gathered by way of computer, hand written requests and/or other data transfer methods, pertaining to all records and record searches.
  - d. A manual to interpret all coded/abbreviated reports provided.
  - e. A complete list of all witnesses the prosecution intends to call at any stage of any proceeding.

f. A complete list of all evidence the prosecution plans to use against me at any stage of any proceeding.

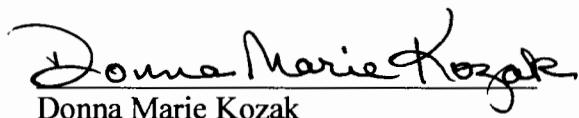
g. A complete list of all charges the prosecution intends to charge the accused at any stage of any proceeding.

4. I will need a complete copy of the Docket (index of what has been filed with the Court). Everything is to be sent directly to me in a timely fashion so that I may view and scrutinize it myself. No decisions are to be made or action taken on my behalf without my direct approval.

Your participation implies a Pledge of Loyalty that, while you are my assistance of Counsel, your loyalties in this matter are wholly towards me and that you have no conflicting loyalties to anyone else but me. I forbid you to communicate with any members of the Plaintiff or officers of the Court about this case without my direct instruction and/or supervision.

If you are either unable or unwilling to provide me with assistance in this case, as outlined above, please notify the Court immediately so that competent, active, zealous, and effective assistance of Counsel can be assigned in a timely manner, and also please notify me by phone and a written notice by email prior to 11:00 A.M. on Friday, March 22, 2013, followed by a hard copy on your letterhead, mailed to me.

Sincerely,



Donna Marie Kozak  
Donna Marie Kozak

cc: Court Records Clerk  
Court Judges (F.A. Gossett, Thomas Thalken, Joseph Bataillon)  
Plaintiff / Prosecutor  
Pretrial Services (Todd Beacom, Troy Greve)